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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,502	02/21/2001	Jussi Petri Myllymaki	ARC920000074US1	6751
21254	7590	12/15/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			FERGUSON, KEITH	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/788,502

Applicant(s)

MYLLYMAKI, JUSSI PETRI

Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,6-8,11-14,16-19,26-29,31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al..

Regarding claims 1,2,6-8,11-14,16,19,26-29,31-35, Srinivasan et al. discloses a system (fig. 2)/method (paragraph 0065 through paragraph 0076) for locating an alternate communication mechanism (information services) (data associated with a network) in case of a failure of a wireless device (fig. 2 number 34) (i.e. a mobile vehicle is out of gas or need service, a nearby gas station is pushed to the driver of a

Art Unit: 2683

vehicle) (paragraph 0038, paragraph 0039, paragraph 0053 and paragraph 0059), comprising: a location tracker (computer system) (database) for continuously transmitting information to the wireless device for allowing a user to locate an alternate communication mechanism after the failure has occurred (paragraph 0039, paragraph 0053 and paragraph 0057). Srinivasan et al. further discloses a web server (i.e. internet), inherent to have textual information, audio information, and image information (fig. 30 number 32).

Regarding claims 17 and 18, Srinivasan et al. discloses the wireless device of the user periodically outputs global positioning satellite (GPS) coordinates to said location tracker, said information being marked with a timestamp and stored in said location tracking database (paragraph 0045, paragraph 0051 through paragraph 0052, paragraph 0057 and paragraph 0074).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

Art Unit: 2683

art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view of Carley.

Regarding claims 3 and 30, Srinivasan et al. discloses a system as discussed supra in claims 1 and 27 above. Srinivasan et al. differs from claims 3 and 30 of the present invention in that it does not explicit disclose a display, on said wireless device, for allowing the wireless device to display information that was received prior to the failure. Carley teaches system (fig. 1) comprising a display (fig. 1 number 110) on said wireless device (fig. 1 number 100), for allowing the wireless device to display information (911 from a list) that was received prior to the failure (emergency) (abstract and col. 1 line 64 through col. 2 line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan et al. system with a display, on said wireless device, for allowing the wireless device to display information that was received prior to the failure in order for the mobile station to know where a gas station is located when running low on fuel, as taught by Carley.

6. Claims 4,5,9,10 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view of Farris et al..

Regarding claims 4,9 and 20-25, Srinivasan et al. discloses a system as discussed supra in claims 1 and 16-19 above. Srinivasan et al. differs from claim 4 of the present invention in that it does not explicit disclose said information includes directions to a nearest pay phone. Farris et al. teaches a system for said information includes directions to a nearest pay phone (col. 35 lines 15-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan et al. with said information includes directions to a nearest pay phone in order for the system of the wireless device to be directed to a nearby pay phone to seek emergency assistance when assistance is needed, as taught by Farris et al..

Regarding claims 5 and 10, Srinivasan et al. discloses a web server, inherent to have textual information, audio information, and image information (fig. 30 number 32).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/788,502

Page 6

Art Unit: 2683

Keith Ferguson

A handwritten signature in cursive script, appearing to read "Keith F.", followed by a long horizontal flourish.

Art Unit 2683

December 3, 2004